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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SANTANA ROW HOTEL PARTNERS,
L.P.,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY GALLAGHER-PIPINO,
INC., and ARTHUR J. GALLAGHER
& CO., et al.,

Defendants.

Case No. C05 00198 JW

**ORDER ON APPLICATION TO FILE
UNDER SEAL CERTAIN PORTIONS OF
MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATION
OF STEVEN A. ELLENBERG IN
SUPPORT OF OPPOSITION TO
ZURICH'S MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
PLAINTIFF'S THIRD, FIFTH AND
SIXTH CLAIMS FOR RELIEF AND
THAT NO DELAY COVERAGE EXISTS**

Date: December 17, 2007

Time: 9:00 a.m.

Courtroom 8

Honorable James Ware

Plaintiff has filed an application in accordance with the Section 10 of the Protective Order in this case to file under seal certain portions of plaintiff's Memorandum of Points and Authorities and the Declaration of Steven A. Ellenberg in support of its opposition to Defendant Zurich's Motion for Partial Summary Judgment on Plaintiff's Third, Fifth and Sixth Claims for Relief and that No Delay Coverage Exists. The Court has considered plaintiff's application [and Zurich's papers filed in support thereof].

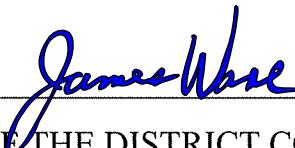
ORDER ON APPLICATION TO FILE UNDER SEAL PORTIONS OF MPAS AND DECLARATION OF STEVEN A. ELLENBERG IN OPPOSITION TO ZURICH'S PARTIAL MSJ ON PLAINTIFF'S 3D, 5TH AND 6TH CLAIMS AND DELAY COVERAGE

1 IT IS HEREBY ORDERED THAT:

2 The Application is granted. The unredacted Memorandum of Points and Authorities
3 in Support of Opposition and Declaration of Steven A. Ellenberg in Support of Opposition
4 previously lodged with the Court on November 26, 2007 are to be filed under seal and shall
5 not be available for public viewing unless otherwise ordered by the Court.

6 The redacted Memorandum of Points and Authorities in Support of Opposition and
7 Declaration of Steven A. Ellenberg in Support of Opposition previously lodged with the
8 Court on November 26, 2007 shall be filed with the Court and made available for public
9 viewing.

10 DATED: November 30, 2007

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13 JUDGE OF THE DISTRICT COURT

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28 ORDER ON APPLICATION TO FILE UNDER SEAL PORTIONS OF MPAS AND DECLARATION OF STEVEN
A. ELLENBERG IN OPPOSITION TO ZURICH'S PARTIAL MSJ ON PLAINTIFF'S 3D, 5TH AND 6TH CLAIMS
AND DELAY COVERAGE